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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED	
087713,170	09/12/96	018	DURKEE, S	3207	
DURKEE, S		DAVID V.			
First Named Applicant		PLASTIC BAG WITH BOTTOM HEADER			

TITLE OF
INVENTION

ATTY'S DOCKET NO. 19	CLASS-SUBCLASS 5	BATCH NO. N	APPLN. TYPE	T	SMALL ENTITY	FEES DUE	DATE DUE 97

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or
 - B. If the status is the same, pay the FEE DUE shown above.
- II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.
- III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/713,170 09/12/96 DOBRESKI

D PCD-A-619

EXAMINER

C2M1/0609

GARBE, S

ART UNIT PAPER NUMBER

RONALD B COOLLEY
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HOUSTON TX 77210

3207

DATE MAILED:

06/09/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to the amendment filed 5/19/97.

The allowed claim(s) is/are 1-5, 7-12, and 14-20.

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

Including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

Including changes required by the attached Examiner's Amendment/Comment.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Notice of Draftperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

STEPHEN P. GARBE
PRIMARY EXAMINER
GROUP 3200

Art Unit: 3207

1. The following is an examiner's statement of reasons for allowance:

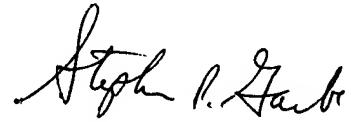
All of the claims in the application are patentable over the two closest prior art references, namely, Duns' British Patent Specification and the Davoren patent. The claims define over Duns because each requires a reclosable fastener extending along the mouth and it is not obvious to provide the mouths of Duns' disclosed bags with reclosable fasteners for the reasons presented in Applicant's response filed May 19, 1997.

The claims define over Davoren because each requires (1) a bottom bridging the pair of sides, (2) a mouth, with a reclosable fastener, opposite the bottom, and (3) a bottom header which includes an opening and a tearing means. Neither Davoren's invention nor the prior art bag which he discloses in Figure 2 includes all of these features. If the closed ends of the bags shown in Figures 2 and 3 are considered to be the bag bottoms, they do not include either a bottom header or a reclosable fastener along the bag mouth.

If the closed ends of those bags are considered to be the bag tops, they do not include a bag mouth because there can be no mouth until the bag is cut open. Furthermore, neither includes a bottom bridging the bag sides and a tearing means in the header.

For the above reasons, claims 1-5, 7-12, and 14-20 are deemed patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



STEPHEN P. GARBE
PRIMARY EXAMINER
GROUP 3200